IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

–

WRIT PETITION NO : 22629 of 2004

Between:

Datla Venkatapathi Raju, S/o.Venkatapathi Raju, @ Mugaraju,
R/o. Laxminarasapuram (V), Anaparthy (M), E.G.District.

..... PETITIONER

AND

1 The Addl. Agent to the Govt., E.G.District

at Rampachodavaram.
2 The Spl. Dy. Collector, (Tribal Welfare),

Rampa Chodavaram, E.G.District.
3 The Mandal Revenue Officer,

Rajavommangi (M), E.G.District.
4 Puli Venkanna, S/o. Appana,
R/o. Dursarapamu (V), Rajavommangi (M), E.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue appropriate writ or order or direction more particularly one in the nature

of writ of mandamus declaring the action of the respondents 2 & 3 in evicting the petitioner from the land to an extent of Ac. 1-44 cents in Sy.Nos: 21/2 of Dusarapamu (V), Rajvommangi (M), E.G.District in pursuance of the order in L.T.R..P.No.146/2003 passed by the 2nd respondent as illegal, arbitrary and unjust and consequently direct the respondents not to evict the petitioner from the above land pending disposal of the appeal preferred before the 1st respondent and to pass such other order or orders as this Hon'ble Court may dem fit and proper.

Counsel for the Petitioner:MR.K.VENKATESH

Counsel for the Respondent Nos.1to3: GP FOR SOCIAL WELFARE

The Court at the admission stage made the following :

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O R D E R:

This writ petition is filed seeking a direction to the respondents not to evict the petitioner from the land in an extent of Ac.1.44 cents in Sy.No.21/2 of Dusarapamu village, Rajavommangi Mandal, East Godavari District.

2. Learned counsel appearing for the petitioner contended that though the appeal has been filed before the first respondent, no orders have been passed and that the petitioner was ordered to evict in pursuance of the orders passed in L.T.R.P.No.146 of 2003, and therefore, he prays to give a status quo order.

3. On the other hand, the learned Government Pleader for Social Welfare contended that the petitioner preferred an appeal together with an application for stay and, therefore, the writ petition is not maintainable. It is further contended that there is a procedure prescribed under the Act to evict the petitioner in pursuance of the orders passed by the second respondent.

4. Since the petitioner has already availed the remedy by filing an appeal before the first respondent together with the application for stay, I deem it appropriate to direct the first respondent to pass appropriate orders on the stay application within a period of two weeks from the date of receipt of a copy of this order. It is also made clear that if the respondents desire to evict the petitioner, they should follow the procedure prescribed under the Act.

5. With the above observation, the Writ Petition is disposed of. No costs.

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22-12-2004

Note: Furnish C.C. in three days.

(B/o)

Prv

To

1 The Addl. Agent to the Govt., E.G.District

at Rampachodavaram.
2 The Special Deputy Collector, (Tribal Welfare),

Rampa Chodavaram, E.G.District.
3 The Mandal Revenue Officer,

Rajavommangi (M), E.G.District.
4 Two CCs to G.P. for Social Welfare,

High Court Buildings, Hyderabad (OUT).

5 Two CD copies.